

FILED 9 DEC '21 11:05 USDG-DWP

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

Eugene DIVISION

Rickie A Miller

(Enter full name of plaintiff)

Plaintiff,

v.

Civil Case No. 6:21-cv-01803-SI  
(to be assigned by Clerk's Office)

COMPLAINT FOR VIOLATION OF CIVIL  
RIGHTS (PRISONER COMPLAINT)

CITY OF Eugene; Eugene Police

Department; Det. Anne McIntyre;

Chief Chris Skinner

(Enter full name of ALL defendant(s))

Jury Trial Demanded

☒ Yes

☐ No

Defendant(s).

I. PARTIES

List your name, address, and telephone number below, and the same information for each defendant. Make sure that the defendant(s) listed below are identical to those contained in the caption of the complaint. Attach additional sheets of paper if necessary.

Plaintiff

Name: Rickie Miller

Street Address: N/A (In Jail)

City, State & Zip Code: \_\_\_\_\_

Telephone No.: 712-789-9979 (Men's Cell)

Complaint for Violation of Civil Rights (Prisoner Complaint)

[Rev. 01/2018]

Defendant No. 1

Name: CITY OF Eugene

Street Address: \_\_\_\_\_

City, State & Zip Code: \_\_\_\_\_

Telephone No.: \_\_\_\_\_

Defendant No. 2

Name: Eugene Police Department

Street Address: \_\_\_\_\_

City, State & Zip Code: \_\_\_\_\_

Telephone No.: \_\_\_\_\_

Defendant No. 3

Name: Det. Anne McIntyre

Street Address: \_\_\_\_\_

City, State & Zip Code: \_\_\_\_\_

Telephone No.: \_\_\_\_\_

Defendant No. 4

Name: Chief Chris Skinner (E.P.D)

Street Address: \_\_\_\_\_

City, State & Zip Code: \_\_\_\_\_

Telephone No.: \_\_\_\_\_

## II. BASIS FOR JURISDICTION

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. You are bringing suit against (*check all that apply*):

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. What federal constitutional, statutory, or treaty right(s) is/are at issue?

The Fourth & Fourteenth Amendment of the  
United States Constitution.

### III. STATEMENT OF CLAIMS

#### Claim I

*State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.*

See Attachment

#### Claim II

*State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.*

See Attachment

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**Claim III**

*State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.*



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*(If you have additional claims, describe them on another piece of paper, using the same outline.)*

#### IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES

I have filed for administrative relief as to all claims in Section III and have concluded all administrative appeals available to me.

☒ Yes

☐ No

#### V. RELIEF

State briefly exactly what you want the court to do for you and the amount, if any, of monetary compensation you are seeking. Make no legal arguments. Cite no cases or statutes.

See Attachment

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 6 day of Dec, 2021

  
(Signature of Plaintiff)

## Claim 1

On 4/20/21, Detective Anne McIntyre took Possession of MY Cell Phone Which Was and is in the Eugene Police Department's Custody. Det. McIntyre Attempted to extract the Content of MY Cell Phone. And i am Not Certain if She Was or Was Not able to do So.

Det. McIntyre took Possession of MY Phone and Conducted a Search of it Without obtaining a Warrant to do So. The Phone had Been in the Custody of the Eugene Police Department Since March 5, 2019 and there was no exigency that would Necessitate a Warrantless Search.

The Policy, Practice and Custom of Defendants City of Eugene and Eugene Police Department of Searching Phones Without Warrants and City of Eugene E.P.D. Chief Chris Skinner's Failure to train and Supervise Detective McIntyre have Caused the Violation of Plaintiff's Fourth & Fourteenth Amendment & Plaintiff Learned of This Info A Few Months ago.



## Claim 2

On 9/13/21, Detective McIntyre Committed Perjury (162.065) Under Oath at a Motion For Severance (State of Oregon V. Rickie Miller, 19Cr15728)

Det. McIntyre was asked by Deputy District Attorney Katherine Green, "did Mr. Miller Sodomise Guidry?" And her Response was, "Yes". Later, on Cross-examination I asked Det. McIntyre, "did Guidry tell you or any other officer that MY Penis Went into her Mouth?"

But Det. McIntyre Failed to Provide a Yes or No Answer to MY Question. The Hon. Judge C. Zennache Intervened and asked the exact Question of Det. McIntyre, but this time She answered, "no". Thereby Committing Perjury.

The Failure to train and Supervise of Det. McIntyre by the City of Eugene, The Eugene Police Department, and Chief Skinner have Caused the Violation of Plaintiff's Fourth & Fourteenth Amendment.

# Relief

Plaintiff asks this Court to grant him the following Relief:

① Declare that Defendants have Violated Plaintiff's rights under the United States Constitution By Searching his Cell Phone Without a Warrant.

② Declare that Det. McIntyre Lied Under Oath.

③ Order Defendants City of Eugene, Eugene Police Department and Chief Skinner to Conduct an Investigation of Plaintiff Claims against Det. McIntyre.

④ Award Plaintiff Compensatory and Punitive Damages arising From Defendant's Unlawful Conduct.

⑤ Grant Plaintiff Such other Relief as is Just and Appropriate.